

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION**

FRED W. HOLLAND, M.D., CIVIL DIVISION

Plaintiff, No. 3:18-cv-00490

v.

MERCY HEALTH, et al.,

Defendants. **JURY TRIAL DEMANDED**

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes Plaintiff, Fred W. Holland, M.D. ("Dr. Holland"), by and through it undersigned attorneys, and, pursuant to Rule 56 of the Federal Rules of Civil Procedure, files the within Motion for Summary Judgment.

1. On December 19, 2019, Defendants filed a Motion for Summary Judgment and Supporting Memorandum relating to whether Defendants Mercy Health and Mercy Health – St. Vincent Medical Center are "employers" of Dr. Holland as it relates to his Title VII and 42 U.S.C. § 1981 claims. [ECF No. 73].

2. On March 9, 2020, Dr. Holland filed a Memorandum in Opposition to Defendants' Motion for Summary Judgment and a Response to Defendants' Concise Statement of Facts and Plaintiff's Supplemental Concise Statement of Material Facts in Opposition to Defendant's Motion for Summary Judgment.

3. As set forth in Dr. Holland's Memorandum in Opposition and supporting materials, Dr. Holland not only believes that the evidence in this case is sufficient to deny Defendants' Motion but also that the evidence is overwhelmingly supportive of a finding that, as a matter of law, Defendants are indeed "employers" of Dr. Holland for purposes of his Title VII and Section 1981 claims.

4. Dr. Holland incorporates by reference his Memorandum in Opposition to Defendants' Motion for Summary Judgment and a Response to Defendants' Concise Statement of Facts and Plaintiff's Supplemental Concise Statement of Material Facts in Opposition to Defendant's Motion for Summary Judgment as if more fully set forth at length herein.

5. For the reasons set forth in Dr. Holland's Memorandum in Opposition to Defendants' Motion for Summary Judgment, Dr. Holland hereby moves this Honorable Court for Summary Judgment against Defendant as to the issues of his employment with Mercy Health and Mercy – St. Vincent Medical Center. Specifically, Dr. Holland requests that this Honorable Court grant summary judgment in his favor and in so doing find that Defendants are indeed Dr. Holland's "employers" for purposes of his Title VII and Section 1981 claims.

WHEREFORE, Dr. Holland requests this Honorable Court enter an order GRANTING summary judgment in his favor.

Date: March 9, 2020

Respectfully submitted,

By: /s/ Jason A. Archinaco
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CERTIFICATE OF SERVICE

I, Jason A. Archinaco, hereby certify that I have served a true and correct copy of the foregoing **PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT** to and upon the following, via the CM/ECF Filing System and U.S. First Class Mail:

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